

## What are my rights if I get hit by a drunk driver in Florida?

### *An experienced attorney explains what you need to know after your accident*

[Drunk driving](#) remains a serious problem in many parts of Florida. In 2018, more than 800 people statewide died in fatal accidents caused by drivers under the influence of alcohol, according to statistics compiled by the [National Highway Traffic Safety Administration \(NHTSA\)](#). In particular, several communities in the Tampa area are among the worst for drunk driving fatalities, according to a recent study.

So just how bad are drunk driving accidents in Florida? What laws govern these types of crashes, and what are an injury victim's legal options? Below, you can find the answers to these questions and many more. That way, you and your family can fully understand your rights if you're dealing with a crash caused by an impaired driver.

### How common are drunk driving accidents in Florida?

The NHTSA compiles statistics each year about some of the most common causes of crashes. This includes collisions caused by drivers with a blood alcohol concentration (BAC) of 0.08 percent or higher, the legal limit for driving in Florida. Since 2010, the number of fatalities caused by drunk drivers statewide has ranged from a low of 672 fatalities in 2013 to a high of 901 in 2016. In general, the number of fatal accidents caused by drunk drivers has steadily increased over the past decade in Florida.

#### ANNUAL DRUNK DRIVING FATALITIES IN FLORIDA

- 2010 – 678 alcohol-impaired fatalities
- 2011 – 694
- 2012 – 709
- 2013 – 672
- 2014 – 694
- 2015 – 794
- 2016 – 901
- 2017 – 841
- 2018 – 814

As for which cities in Florida have the most drunk driving fatalities, several in the Tampa area are among the worst statewide, according to a [study conducted last year by ValuePenguin.com and LendingTree.com](#). These Tampa Bay Area cities include:

- **Sarasota** – 12.2 fatal drunk driving deaths per 100,000 residents, the highest for any city in Florida.
- **Lakeland** – 6.5 DUI deaths per 100,000 people, 2<sup>nd</sup> highest statewide.
- **St. Petersburg** – 4.63 DUI deaths per 100,000 people, 4<sup>th</sup> highest statewide.

- **Tampa** – 3.77 DUI deaths per 100,000 people, 7<sup>th</sup> highest statewide.

## **What are Florida's drunk driving laws?**

If a driver is charged and convicted of driving under the influence in Florida, the following penalties apply, according to [Florida Statutes 316.193](#):

### **FIRST DUI CONVICTION**

- \$500 to \$1,000 fine
- \$1,000 to \$2,000 fine (if driver's BAC was 0.15 or higher)
- Up to 6 months in prison
- Up to 9 months in prison (if driver's BAC was 0.15 or higher)
- Impound or immobilize driver's vehicle for 10 days
- Loss of driver's license for 180 days to 1 year (without bodily injury)
- Loss of driver's license for 3 years (with bodily injury)

### **SECOND CONVICTION**

- \$1,000 to \$2,000 fine
- \$4,000 fine (if driver's BAC was 0.15 or higher)
- Up to 9 months in prison
- Up to 12 months in prison (if driver's BAC was 0.15 or higher)
- Impound or immobilize driver's vehicle for 30 days (if 2<sup>nd</sup> conviction was in the past 5 years)
- Loss of driver's license for 5 years

### **THIRD CONVICTION**

- \$2,000 to \$5,000 fine (if within 10 years of 2<sup>nd</sup> conviction)
- \$4,000 fine (if driver's BAC was 0.15 or higher)
- Mandatory 30 days in prison (if within 10 years of 2<sup>nd</sup> conviction)
- Up to 12 months in prison (if more than 10 years since 2<sup>nd</sup> conviction)
- Impound or immobilize driver's vehicle for 90 days (if within 10 years of 2<sup>nd</sup> conviction)
- Loss of driver's license for 10 years (if within 10 years of 2<sup>nd</sup> conviction)
- Loss of driver's license for 180 days (if more than 10 years since 2<sup>nd</sup> conviction)

### **FOURTH CONVICTION**

- Minimum \$2,000 fine
- Minimum \$4,000 fine (if driver's BAC was 0.15 or higher)
- Up to 5 years in prison
- Mandatory permanent loss of driver's license

## **Who can I sue if a drunk driver causes my crash?**

Florida's laws grant injury victims and their families the right to take legal action against the at-fault party in a drunk driving accident. Depending on the circumstances of your crash, you may be able to file a lawsuit against:

- The at-fault driver
- The at-fault driver's insurance company

In addition, you may be able to take legal action against the bar, restaurant or liquor store owner who sold alcohol to the at-fault driver who caused the collision. This is especially true if the driver was already impaired when they purchased additional alcohol, then caused your crash. These legal cases are known as "dram shop claims."

## **What is the process for taking legal action after a drunk driving accident?**

In order to file a lawsuit against someone who caused a drunk driving accident, the injured party or their family often must prove that the driver was at fault. Normally, this is done based on evidence gathered by the investigating police officer. The at-fault driver or their attorney might challenge such evidence, however. That's why many injury victims and their families often hire an attorney to conduct an independent investigation in support of their legal claim.

It's also important to remember that injury victims and their families only have a limited amount of time to take legal action in Florida. This deadline is known as the statute of limitations. Two deadlines apply to most Florida drunk driving accidents:

- 4 years from the date of the crash to file a civil lawsuit against the at-fault party if the accident did not result in a fatality.
- 2 years from the date of the fatal accident to file a wrongful death lawsuit against the at-fault party if a fatality occurred.

Normally, the lawsuit is filed in the county where the accident took place. In Tampa, for example, a lawsuit would normally be filed in Hillsborough County.

When filing a lawsuit, injury victims and family members can seek financial compensation (known as "damages") for all accident-related expenses. This includes short-term expenses, such as emergency medical bills and replacement income if the injured person cannot work during their recovery.

Financial compensation can also cover long-term expenses related to an accident, including lost future income if the injured person cannot return to work or, in the case of wrongful death claims, the financial losses associated with someone's death. Each legal case is different and often requires its own distinct approach. The bottom line is that injury victims and their families have rights if they have been harmed in a crash caused by a drunk driver.

*Attorney Armando Edmiston is the founder of Armando Personal Injury Law in Tampa, Florida. If you or a family member has been hurt in an accident in Florida caused by a drunk driver, learn more about your legal rights. [Contact us](#) and schedule your [free case evaluation](#). We can answer your questions and explain your legal options.*